

From: Lisa Westwood  
Sent: Tuesday, December 15, 2015 9:16 AM  
To: CEQA Guidelines@CNRA  
Subject: Comments on Tribal Cultural Resources Sample Question Alternatives

Thank you for the opportunity to provide comment on the efforts to update Appendix G of the CEQA Guidelines to reflect Tribal Cultural Resources. I also appreciate the effort by OPR to provide additional clarity in the implementation of AB 52 to the greatest extent possible.

At this time, OPR's guidance is limited to offering a sample question for the Appendix G Sample Checklist, and this is the subject of my comments herein. The three alternatives offered are various iterations of the legal definition of Tribal Cultural Resources, specified in PRC Section 21074.

Alternative 1 mirrors the simplicity of the cultural resources checklist questions by incorporating by reference the PRC and as such, which allows the checklist to remain unchanged in the event that a future amendment further clarifies the legal definition of Tribal Cultural Resources.

Alternative 2 provides a good suggestion regarding question d, which clarifies the definition of dedicated cemeteries. Question e provides a far more extensive definition of Tribal Cultural Resources, which is extracted from the PRC instead of incorporating it by reference. This would require a modification to the checklist in the future, should the definition of Tribal Cultural Resources change.

Alternative 3, unlike Alternatives 1 and 2 that embed Tribal Cultural Resources into the cultural resources section, appears to recommend a separate section in the CEQA checklist for Tribal Cultural Resources. This option is much more consistent with the way that Greenhouse Gasses were added to the checklist (i.e., it was not embedded within Air Quality).

Alternative 3 speaks to the intent of the law much better by separating out Tribal Cultural Resources from cultural and paleontological resources by providing it in its own section. Doing so will also help ensure that agencies do not inadvertently leave out consideration of Tribal Cultural Resources. This is often the case with paleontology, which tends to be obscured within the context of cultural resources and although boxes are always checked, discussion of paleontology is not always commensurate with that of cultural resources.

Therefore, I recommend that OPR adopt Alternative 3. I further urge OPR to: 1) adopt the revised sample question d under Alternative 2 in the separate cultural resources section; 2) correct the spelling error in sample question b to read "significance of an archaeological resource..." (singular); and 3) move sample question c (paleontology) out of the cultural resources section entirely.

Lastly, although not the subject of the Discussion Draft to which the above comments pertain, I would like to further request that OPR consider issuing some more detailed implementation guidance to address the various procedural problems that have arisen since AB 52 went into effect. I would be happy to meet with you to review the patterns that are emerging across the state as agencies attempt to integrate this requirement into a very complex regulatory environment. Some additional clarity from OPR will help ensure that this requirement is implemented as consistently as possible.

Thank you for the opportunity to provide comment, and I wish you a happy holiday!

Lisa D. Westwood, RPA  
Cultural Resources Manager  
ECORP Consulting, Inc.